



TEAGUE P. PATERSON, SBN 226659
BEESON, TAYER & BODINE, APC
1404 Franklin Street, 5th Floor
Oakland, CA 94612
Telephone: (510) 625-9700
Facsimile: (510) 625-8275
Email: tpaterson@beesontayer.com

Attorneys for Plaintiff TRUSTEES OF THE
TRI-COUNTIES WELFARE TRUST FUND

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
AT SAN JOSE**

TRUSTEES OF THE TRI-COUNTIES
WELFARE TRUST FUND,

Plaintiff,

v.

KELVIN HILDEBRAND, INC.,
HILDEBRAND & SONS TRUCKING, INC.,
WEST COAST DRAYAGE, HILDEBRAND
BROTHERS TRUCKING, MORYA
GULARTE TRUCKING, d/b/a MG
TRUCKING, and KELVIN HILDEBRAND,

Defendant.

Case No. CV-07-5941 JW

**NOTICE TO DISMISS WITH PREJUDICE
[FRCP 41(a)(1)]**

Pursuant to FRCP 41(a)(1), and no Answer having been served by Defendants, and the parties having entered into a settlement agreement and guarantee that fully resolves this matter, Plaintiff Trustees of the Tri-Counties Welfare Trust Fund hereby dismisses the Complaint against all Defendants with Prejudice.

Dated: May 7, 2009

Respectfully Submitted,

BEESON, TAYER & BODINE, APC

By: /s/ Teague Paterson
TEAGUE P. PATERSON
Attorneys for Plaintiff TRUSTEES OF THE
TRI-COUNTIES WELFARE TRUST FUND

1 ***** IT IS SO ORDERED: *****

2 The Court GRANTS the Notice of Dismissal with Prejudice. The Court terminates any remaining
3 pending deadlines, hearings and motions. The Clerk shall close this file.

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6 Dated: May 18, 2009


United States District Court